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In re Application of :
Yung H. Huang *et al* :
Application No. 10/050,801 : DECISION ON PETITION
Filed: December 19, 2001 :
Attorney Docket No. 17623 :

This is a decision on the petition filed by facsimile transmission on April 15, 2004 by which petitioners request withdrawal of holding that this application stands abandoned for failure to file a proper and timely reply to the Office letter dated August 11, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioners allege that this application is not abandoned because petitioners did in fact file a proper and timely reply to the Office letter in question. Petitioners support this allegation by submitting a copy of the reply, and a copy of a request for a one month extension of time with authorization to charge the extension fee. The reply has affixed thereto a 37 CFR 1.8(a) certificate of transmission dated December 11, 2003, a date within the period for filing a reply to Office letter in question as extended by one month. Therefore, it is clear that this application is not abandoned. See 37 CFR 1.8(b).

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner for entry of the reply dated December 11, 2003 and the extension of time filed therewith. A one month extension of time fee is to be charged to Deposit Account No. 11-0875. Thereafter, the supplemental response filed on December 15, 2003 will also be entered. There is no extension fee required. Then the application will be forwarded to the examiner for immediate action.

PETITION GRANTED.

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